

March 6, 2012

The Scandia Planning Commission held their regular monthly meeting on the above date. Commission Chair Maefsky called the meeting to order at 7:02 p.m. The following were in attendance: Commission Chair Christine Maefsky, Commissioners Jan Hogle, Tom Krinke and Peter Schwarz. Commissioner Steve Philippi joined the meeting at 7:05 p.m. Staff present: City Administrator Anne Hurlburt, City Planner Sherri Buss and Deputy Clerk Brenda Eklund.

APPROVAL OF AGENDA, MINUTES

Schwarz, seconded by Krinke, moved to approve the agenda as presented. The motion carried 4-0.

Krinke, seconded by Schwarz, moved to approve the November 1, 2011 minutes as presented. The motion carried 4-0.

PUBLIC HEARING: DRAFT ORDINANCE NO. 129, AMENDING ORDINANCE NO. 122, THE CITY OF SCANDIA DEVELOPMENT CODE, CHAPTER 1, PROVIDING FOR VARIANCES

City Planner Sherri Buss presented a summary of the purpose of draft Ordinance No. 129. In 2011, the Minnesota Legislature made a change to the state law regarding municipal authority to issue variances. The new law renames the municipal variance standard from “undue hardship” to “practical difficulties”. Since then, recommendations on variance applications have included references to the changes in the law. The League of Cities has recommended that cities review the language in their codes to ensure they do not conflict with the statute.

Several changes are needed to Scandia’s Code language to be consistent with the new law. Planner Buss described amendments to two sections of Chapter One of the Development Code. Revisions to the definition of variance were made to replace “hardship” with “practical difficulties”. Changes to Section 6.0 were reviewed, in which the language to the purpose and review criteria were made to reflect the statute. Section 6.3 was added to prohibit use variances.

Planner Buss stated that the standards of reasonableness, uniqueness and essential character are still factors in evaluating a variance application.

Commissioner Hogle asked how a reasonable use of the property can be determined. City Administrator Hurlburt stated that each case can be evaluated as it seems reasonable for the property, neighborhood and zoning district.

Planner Buss explained the “rough proportionality” basis of formulating conditions for a variance, as written in Section 6.5(9). Conditions must be directly related and in proportion to the impact created by the variance.

Commission Chair Maefsky questioned the addition of review criteria (7), which states a practical difficulty includes inadequate access to direct sunlight for solar energy systems.

Planner Buss explained that this was written into state statute years ago and is now included in this revision to ensure that the ordinance covers everything in the state law.

Chair Maefsky opened the hearing for public comments at 7:24 p.m.

There were no comments and the hearing was closed.

Schwarz, seconded by Philippi, moved to recommend that the City Council adopt Ordinance No. 129, An Ordinance Amending Ordinance No. 122, The Scandia Development Code, Chapter One Providing for Variances. The motion carried 5-0.

The City Council will consider this recommendation at their March 20, 2012 meeting.

APPOINT CHAIR AND VICE CHAIR FOR 2012

Commissioner Schwarz recommended that Commission Chair Maefsky and Vice Chair Krinke continue in their appointed positions for the remainder of 2012.

Schwarz, seconded by Hogle, moved to recommend the appointment of Christine Maefsky as Planning Commission Chair and Tom Krinke as Planning Commission Vice Chair. The motion carried 5-0.

The appointments will be submitted to the Council for approval at the March 20, 2012 meeting.

APPOINT REPRESENTATIVE TO WASTEWATER ADVISORY COMMITTEE

City Administrator Hurlburt described the purpose of the newly created Wastewater Advisory Committee and summarized the issues that will come before the Committee.

Commissioner Philippi volunteered to serve as the Planning Commission representative.

SCENIC VIEWSHEDS PROJECT – WORK SESSION

Chair Maefsky presented the “Guidelines for the Protection of Scandia’s Priority Scenic Viewsheds” in its draft form. This document was prepared as an implementation task of the City’s Comprehensive Plan to protect scenic views throughout the city. Maefsky chaired the Scenic Viewsheds Committee which had been meeting since May 2011. The Committee identified properties and roadways throughout the city which represented significant scenic views.

A map was assembled to identify the scenic viewshed corridors and 39 viewshed sites along these roads. The sites have been identified by GPS coordinates. The roadways chosen were those most traveled and which have characteristics that meet the criteria of a scenic viewshed as outlined in the document.

The Guidelines provide an incentive based approach to preserve scenic qualities of future development sites. The Committee recommended up to a 25% density bonus for developers who

pursue a Conservation Design Development. This is an increase from the current 10% bonus as written in the ordinance for the preservation of a scenic view.

The document also provides for recognition to home builders and owners who use the criteria to show and preserve significant scenic viewshed qualities on their property. The owners would be recognized as a “Scandia Scenic Heritage Partner” for their part in preserving the scenic, rural and historic character of Scandia.

The document also provides clarity for the regulation of cell phone tower placement within the city, in accordance with the Development Code. Towers within a designated scenic viewshed shall be a maximum of 75 feet in height and of stealth design.

City Administrator Hurlburt explained the next steps in the adoption of the Guidelines. A public hearing would be held by the Planning Commission to amend the Subdivision Ordinance to allow for up to a 25% density bonus for Open Space Conservation Subdivisions, with final approval by the City Council required.

Commissioner Schwarz questioned who determines if the criteria of scenic viewshed preservation are met. City Administrator Hurlburt stated that the Planning Commission will evaluate the request and make a recommendation to the Council. Hurlburt noted that the Guidelines provide solid guidance for the designation of a scenic viewshed for this purpose. The City will be in a better position to objectively determine a density bonus.

Commissioner Hogle added that the Guidelines allow for a process of scenic analysis of sites that are not designated as a priority scenic viewshed in the document. A developer may be eligible for a density bonus if they can show that the proposed viewshed site demonstrates the guideline qualities and criteria as outlined, and show how the qualities will be preserved and protected.

Commissioner Schwarz asked how up to a 25% density bonus was determined, as this appears quite rich. Commissioner Philippi replied that it allows for a greater incentive to preserve scenic views, which was identified as a value shared by the community. Philippi felt like the current 10% doesn't equate with the other bonus criteria and does not significantly change the maximum density allowed. City Planner Buss commented on how the protection of the scenic qualities also accomplishes other goals of Conservation Subdivisions.

City Administrator Hurlburt concluded that the Guidelines are an incentive and encouragement to preserve scenic viewsheds, not a mandatory stipulation or a limit on development rights. It can be a supplement to the current regulations and make them easier to apply. Hurlburt complimented Chair Maefsky on the compilation of the document.

Chair Maefsky asked the Commissioners to forward any comments or corrections to her attention before the May Planning Commission meeting. A public hearing will be set for the May meeting to consider the ordinance amendment to allow up to a 25% density bonus for Open Space Conservation Subdivisions. The final document will go before the Council for approval with the Commission's recommendation on the ordinance.

DRAFT ADENDA FOR APRIL 3, 2012 PLANNING COMMISSION MEETING

City Administrator Hurlburt reviewed the draft agenda for the April 3, 2012 Planning Commission meeting. This is a scheduled public meeting on the Zavoral Mining and Reclamation Project Draft EIS (Environmental Impact Statement). Verbal and written comments will be received following an overview of the DEIS. A discussion or recommendation on the adequacy of the study will not be part of the Planning Commission's role. Responses will be assembled in a document and distributed to all those who submitted comments. The formal response document will be published at a time depending on the number and nature of the comments received. The Final EIS will be delivered to the City, followed by a short comment period, and then the City Council will determine the adequacy of the EIS. Tiller's Conditional Use Permit cannot be reviewed until the City completes the environmental review process.

ADJOURNMENT

Krinke, seconded by Hogle, moved to adjourn the meeting. The motion carried 5-0.

The meeting adjourned at 8:27 p.m.

Respectfully submitted,

Brenda Eklund
Deputy Clerk